

Application Serial No.: 10/772,493
Applicants: Tina L. Bramlett et al.
Response Filed: March 17, 2006
Response to Office Action Date: December 19, 2005

IV. REMARKS

United States Serial No. 10/772,493 was filed on February 5, 2004. Independent claim 1 has been amended by the present response. Applicant hereby cancels non-elected claims 20-37 without prejudice or disclaimer, and subject to Applicants' rights to pursue these claims in one or more continuing application(s). In view of the amendment to claim 1, Applicants respectfully submit that claims 1-19 are in condition for allowance.

35 U.S.C. §112

Claims 1-19 have been rejected under 35 U.S.C. §112, second paragraph. It is alleged that the phrase "exteriorly facing surface" is not understood. As helpfully suggested by the Examiner, independent claim 1 has been amended to read as follows:

"An exterior finishing system for horizontal walls comprising:

a substrate;

a bond-compatible composite membrane adhered to *an exterior surface* of said substrate, said membrane comprising a first self-adhesive material layer and a second rough fabric layer adjacent said first self-adhesive material layer, wherein said first self-adhesive material layer is adhered to said substrate, and wherein said second rough fabric layer provides a bonding surface for forming a bond with a bonding material;

an exterior finishing material; and

a bond formed with a bonding material, said bonding material disposed between said second rough fabric layer of said bond-compatible composite membrane and said exterior finishing material."

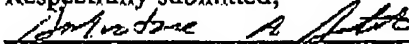
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Applicants submit that the amendment to claim 1 overcomes the Examiner's rejection under 35 U.S.C. 112. Because the Office Action does not set forth any prior art rejections of claim 1, Applicants respectfully submit that the amendment places the claim 1 in condition for allowance.

The Office Action states that "claims 2-19 would be allowable if rewritten to overcome 35 U.S.C. 112, second paragraph, . . . and to include all of the limitations of the base claim and any intervening claims." The amendment to claim 1 overcomes the 35 U.S.C. 112 rejection. The Office Action does not set forth any prior art rejections of claims 2-19 and, therefore, Applicants respectfully submit that claims 2-19 do not require further amendment.

In view of the above amendment and remarks, Applicants respectfully request that the 35 U.S.C §112 rejection be withdrawn and that the Examiner issue a formal Notice of Allowability directed to claims 1-19. Should the Examiner have any questions, Applicants' undersigned attorney would welcome a telephone call.

Respectfully submitted,



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